

## **LAW GUARDIAN ADMINISTRATION**

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## **LAW GUARDIAN APPELLATE**

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# *Law Guardian: The Children's Voice*



*Our mission is to deliver the highest  
quality of child-centered advocacy  
that best assures children's rights to  
health, safety, and well-being and that  
promotes their best opportunity to thrive.*

**Joseph E. Krakora**

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**Hon. Chris Christie**

*Governor*

**Kim Guadagno**

*Lt. Governor*

## What is a Law Guardian?

A Law Guardian is a specially trained lawyer employed by the New Jersey Office of the Public Defender's Office of Law Guardian who represents children in family court matters involving allegations of abuse and neglect against parents or other caregivers.

The Law Guardian, also referred to in this brochure as the “child’s attorney,” represents the child in court by presenting the child’s wishes and making recommendations to the judge as to how those wishes may best be accomplished. The Law Guardian also protects the child's legal interests throughout the court proceedings and maintains a lawyer-client relationship with the child to the extent possible.

The child’s attorney gives the child legal advice about the best and most realistic course of action to protect the child’s safety and to advance the child’s wishes and interests.

The Law Guardian is also responsible for helping the child understand his/her legal options and for assisting the child in developing a legal position. Further, the Law Guardian explains the court process to the child and keeps the child informed as the case progresses through the child welfare system.

The special training and expertise of Law Guardians help the child participate fully in the court hearings. The child’s attorney speaks directly with the child, and interacts with the other parties in the case on behalf of the child.

## Confused about the role of the Law Guardian?

Many people are confused about the term “Law Guardian” because in New Jersey, “guardian” can have many different meanings. It may help you to understand the role of the Law Guardian, if you keep in mind that:

### (\* **A Law Guardian is not the**

same as a “guardian” or “guardian ad litem,” legal terms which apply to people making parental or best interest decisions for the child.

### (\* **A Law Guardian represents**

only the child, never other parties or other people interested in the case. For example, Law Guardians do not represent parents, caregivers, family members, resource parents or the Division of Child Protection and Permanency (previously DYFS).

### **A Law Guardian can help by**

- articulating the child's wishes
- advocating for the child in court
- helping to arrange services
- obtaining an expert evaluation of the child

You may hear some unfamiliar terms when involved in an abuse or neglect case. Such as:

**Title 9:** A case in which a civil complaint has been filed against a child’s caregiver alleging abuse or neglect. Also referred to as FN cases.

**Title 30:** A case in which the termination of parental rights is sought, clearing the way for a child to be adopted. Also referred to as FG cases.

## The Role of the Investigator

Each Law Guardian attorney works as a part of a team of professionals on behalf of the children they represent. This team includes specially trained investigators and clerical staff. Investigators take an active role in meeting with the child to discover the relevant facts of a case necessary to developing a position on behalf of the child-client. Similar to the confidential relationship enjoyed by attorneys and investigators in other types of matters, Law Guardian attorneys and investigators also enjoy confidential relationships with the children they represent. It is not unusual for the attorney or investigator to ask to speak privately with the child either in school, in a foster home, or even in the home of parents or other relatives. This private meeting is an important part of protecting the confidential attorney-client relationship.

The singular training and expertise of Law Guardian investigators enables them to effectively interview other people involved in the child's life in order to gather facts about the case and to help further the client's position. It is important that these individuals give the investigator clear and accurate information that will allow the child’s lawyer to develop the best legal position for the child.

### **Frequently used terms:**

**DCCP:** “**The Division**”, refers to the N.J. Division of Child Protection and Permanency

**DAG:** Deputy Attorney General

**OLG:** Office of Law Guardian

**OPR:** Office of Parental Representation